

**BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH**  
**MINUTES OF PUBLIC MEETING**  
**COMMISSION CHAMBERS, ROOM 1400**  
**OF THE UTAH COUNTY ADMINISTRATION BUILDING**  
**December 16, 2014 - 9:00 A.M.**

**PRESENT:** COMMISSIONER GARY J. ANDERSON, CHAIR  
COMMISSIONER LARRY A. ELLERTSON, VICE-CHAIR  
COMMISSIONER DOUG WITNEY

**ALSO PRESENT:**

Jeffrey R. Buhman, Utah County Attorney  
E. Kent Sundberg, Civil Division Chief Attorney  
David Shawcroft, Utah County Deputy Attorney  
Robert J. Moore, Utah County Deputy Attorney  
Paul Jones, Utah County Deputy Attorney  
Bryan E. Thompson, Utah County Clerk/Auditor  
Scott C. Hogensen, Chief Deputy Clerk/Auditor  
Debra Pritchett, Utah County Commission Office  
Julie Rollins, Utah County Purchasing Agent  
Keven Ewell, Utah County Assessor's Office  
Clarissa Reeve, Utah County Assessor's Office  
Bryce Armstrong, Community Development  
Peggy Kelsey, Community Development  
Joshua K. Ivie, Community Development  
Dr. Joseph K. Miner, Health Department Exec. Director  
Steve Alder, Utah County Health Department  
Carrie Bennet, Utah County Health Department  
Ralph Clegg, Utah County Health Department  
Dana Cundiff, Utah County Health Department  
Kim Doroghian, Utah County Health Department  
Bryce C. Larsen, Utah County Health Department  
Tyler Plewe, Utah County Health Department  
Richard Nance, Drug & Alcohol Prevention & Treatment  
Pat Bird, Drug & Alcohol Prevention & Treatment  
Neil Peterson, Information Systems Director  
Mark Brady, Assistant Personnel Director  
Merritt Fullmer, Personnel Office  
Jane Ivie, Personnel Office  
Richard Nielson, Utah County Public Works Director  
Jeff Smith, Utah County Recorder  
Andrea Allen, Utah County Recorder's Office  
James O. Tracy, Utah County Sheriff  
Dave Bennett, Utah County Sheriff's Office  
Mike Forshee, Utah County Sheriff's Office  
Dalene Higgins, Utah County Sheriff's Office  
Gary Ratcliffe, Utah County Surveyor  
Robert C. Kirk, Utah County Treasurer

Cathy Davies, Utah County Justice Court  
Michael Erickson, Utah County Constable  
Anthony Fernlund, Utah County Constable  
Dr. Yeony D. Calás-Dobson, Riverwoods Pet Hospital  
Rebecca Call, Saratoga Springs City Council  
Greg Graves, County Commissioner Elect  
Stan Lockhart, IM Flash Technologies  
Don Watkins, Alpine City Mayor  
Ken Berg, Berg Civil Engineering  
Ron Madson, Alpine Cove Homeowners Association  
Robert Patterson, Patterson Homes Construction  
Maureen Burnett, Alpine Resident  
Earl Christensen, Alpine Resident  
Gil Greer, Alpine Resident  
Alex Johnson, Alpine Resident  
Louise Johnson, Alpine Resident  
Maureen Kirkland, Alpine Resident  
Paul Kroff, Alpine Resident  
Michael Robertson, Alpine Resident  
Michelle Zimmerman Smith, Alpine Resident  
Ray Warm, Alpine Resident  
Pam Welch, Alpine Resident  
Ross Welch, Alpine Resident  
Eldon A. Neves, Citizens for Rural Utah  
Bill Fairbanks, -No further information given-  
Philip Favro, -No further information given-  
Bryan Hofheins, -No further information given-  
Mark Howell, -No further information given-  
Shanel Long, -No further information given-  
Richard Kim Mine, -No further information given-  
Lorin Powell, -No further information given-  
Gregory Smith, -No further information given-  
Jackie Smith, -No further information given-  
Jeri Walton, -No further information given-  
John Walton, -No further information given-  
Janet Williams, -No further information given-  
Mike Stansfield, Fairways Media  
Renee Huggins-Caron, Clerk/Auditor Admin. Assistant

# UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 16, 2014

Page 2

Commissioner Anderson called the meeting to order at 9:10 A.M. and welcomed those present. The Board momentarily recessed and allowed the bench to be used for a brief meeting of the Administrative Control Board of the Utah Valley Road Special Service District. They also assembled as the Municipal Building Authority of Utah County, and the Board of Trustees of Utah County Service Area Nos. 6, 7, 8, and 9, respectively. The Utah County Board of Commissioners reconvened at 9:22 A.M. and the following matters were discussed:

**PRAYER:** Richard Nance, Utah County Department of Drug and Alcohol Prevention and Treatment Director

**PLEDGE OF ALLEGIANCE:** Carrie Bennett, Utah County Health Department

## **PUBLIC HEARING**

**PUBLIC HEARING TO DISCUSS THE 2015 BUDGET FOR THE GENERAL FUND AND OTHER BUDGETARY FUNDS OF UTAH COUNTY** (*Public Hearing set October 28, 2014*)  
(*Continued from the December 9, 2014 Commission meeting*)

Commissioner Ellertson noted that the final budget is still in the works.

Commissioner Witney made the motion to continue the Public Hearing to discuss the 2015 Budget for the General Fund and other budgetary funds of Utah County for one week to the December 23, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney

NAY: None

CONTINUED TO DECEMBER 23, 2014

## **PUBLIC HEARING**

**PUBLIC HEARING TO CONSIDER A CHANGE IN THE EXISTING SALARIES OF THE COUNTY OFFICERS OF UTAH COUNTY, UTAH** (*Public Hearing set December 9, 2014*)

Commissioner Witney made the motion to continue the Public Hearing to consider a change in the existing salaries of the county officers of Utah County, Utah for one week to the December 23, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney

NAY: None

CONTINUED TO DECEMBER 23, 2014

**CONSENT AGENDA**

1. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE NOTICE OF ELECTRONIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH ON DECEMBER 16, 2014**
2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE A NOTICE OF ELECTRONIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH ON DECEMBER 23, 2014**
3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE A NOTICE OF ELECTRONIC MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH ON DECEMBER 30, 2014**
4. **DECLARE TWO (2) CANON COPY MACHINES AS SURPLUS AND ALLOW THE DISPOSITION THEREOF AS JUNK**
5. **DECLARE A CASE 580 BACKHOE, UNIT 701697, AS SURPLUS AND AUTHORIZE THE BUY-BACK TO BE APPLIED TO THE PURCHASE AND FUTURE BUY-BACK PROGRAM OF A REPLACEMENT MINI-EXCAVATOR**

The Board requested Consent Agenda Item No. 5 be moved to the Regular Agenda for discussion.  
PULLED TO REGULAR

6. **DECLARE ATTACHED LIST OF EQUIPMENT AS SURPLUS AND AUTHORIZE PLACEMENT OF SUCH EQUIPMENT TO VARIOUS POLICE AGENCIES AS IDENTIFIED**

The Board requested Consent Agenda Item No. 6 be moved to the Regular Agenda for discussion.  
PULLED TO REGULAR

7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE (ESRI) FOR 2015 MAINTENANCE AND SUPPORT OF GIS SOFTWARE PRODUCTS**

The Board requested Consent Agenda Item No. 7 be moved to the Regular Agenda for discussion.  
PULLED TO REGULAR

8. **APPROVE ACTING PAY REQUESTS FOR THE DIRECTOR-OFFICE OF PERSONNEL MANAGEMENT POSITION AS WELL AS THE ASSISTANT DIRECTOR-OFFICE OF PERSONNEL MANAGEMENT POSITION, TO BEGIN IMMEDIATELY AND CONTINUE FOR APPROXIMATELY SIX WEEKS**

The Board requested Consent Agenda Item No. 8 be moved to the Regular Agenda for discussion.  
PULLED TO REGULAR

9. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 279, DATED DECEMBER 10, 2014**
10. **APPROVE REQUESTED EXEMPTIONS ON LIST DATED DECEMBER 10, 2014, APPLIED FOR BY TAXPAYERS, FOR PAYMENT OF TAXES WHERE THE MARKET VALUE OF EQUIPMENT WAS LESS THAN \$10,000 AS PROVIDED BY THE UTAH STATE LEGISLATURE FOR 2014**

# UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 16, 2014

Page 4

11. APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE

12. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20322, DATED DECEMBER 10, 2014

13. ADOPT AN ORDINANCE SETTING THE UTAH COUNTY JUSTICE COURT JUDGES' 2015 SALARIES

The Board requested Consent Agenda Item No. 13 be moved to the Regular Agenda for discussion.

PULLED TO REGULAR

14. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2014-6 (ABATEMENTS)

15. ADOPT A RESOLUTION APPROVING A VOLUNTEER WHO WISHES TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER

16. APPROVE THE MINUTES OF THE DECEMBER 2, 2014 COMMISSION MEETING *(Continued from the December 9, 2014 Commission meeting)*

17. RATIFICATION OF PAYROLL

Period 25	2 Checks: \$ 3,165.13	1,090 Total Deposits: \$1,686,478.08	Total: \$1,689,643.21
		Federal Payroll Taxes	Total: \$ 221,103.01

18. RATIFICATION OF WARRANT REGISTER SUMMARY

Register No. 1174	December 08, 2014	Check Nos. 202162-202171	Total: \$ 13,043.00
Register No. 1175	December 09, 2014	Check Nos. 202172-202176	Total: \$ 3,830.00
Register No. 1176	December 09, 2014	Check Nos. 202177-202188	Total: \$ 19,076.35
Register No. 1177	December 09, 2014	Purchasing Cards 3634-3643	Total: \$ 2,524.49
Register No. 1178	December 10, 2014	Check Nos. 202189-202229	Total: \$ 1,338.00
Register No. 1179	December 10, 2014	Bond Wires:348-349	Total: \$ 315.19
Register No. 1180	December 10, 2014	Direct Deposit:20959-20961	Total: \$ 418.85
Register No. 1181	December 10, 2014	Check Nos. 202230-202291	Total: \$ 612,130.01
Register No. 1182	December 10, 2014	Check Nos. 202292-202319	Total: \$ 30,040.10
Register No. 1183	December 11, 2014	Direct Deposit:20962-20986	Total: \$ 5,982.37
Register No. 1184	December 11, 2014	Check Nos. 202320-202349	Total: \$ 6,777.66
Register No. 1185	December 11, 2014	Direct Deposit:20987-21005	Total: \$ 7,270.36
Register No. 1186	December 11, 2014	Check Nos. 202350-202365	Total: \$ 5,658.90
Register No. 1187	December 11, 2014	Direct Deposit:21006-21010	Total: \$ 869.00
Register No. 1188	December 11, 2014	Purchasing Cards 3644-3660	Total: \$ 10,553.41
Register No. 1189	December 11, 2014	Check Nos. 202366-202417	Total: \$ 63,862.04
Register No. 1190	December 11, 2014	Purchasing Cards 3661-3661	Total: \$ 1,706.86
Register No. 1191	December 11, 2014	Check Nos. 202418-202445	Total: \$ 21,329.53
Register No. 1192	December 12, 2014	Bond Wires:350-350	Total: \$ 221,103.01
Register No. 1193	December 12, 2014	Direct Deposit:21011-21019	Total: \$ 936,064.13
Register No. 1194	December 12, 2014	Check Nos. 202446-202455	Total: \$ 76,060.70
Register No. 1195	December 12, 2014	Purchasing Cards 3662-3683	Total: \$ 10,736.15
Register No. 1196	December 12, 2014	Direct Deposit:21020-21041	Total: \$ 19,155.84

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 16, 2014

Page 5

Register No. 1197	December 12, 2014	Check Nos. 202456-202489	Total: \$	67,347.37
Register No. 1198	December 12, 2014	Bond Wires:351-352	Total: \$	113.58
Register No. 1199	December 12, 2014	Purchasing Cards 3684-3689	Total: \$	835.50
Register No. 1200	December 12, 2014	Check Nos. 202490-202524	Total: \$	155,680.30
Register No. 1201	December 12, 2014	Check Nos. 202525-202526	Total: \$	1,482.00
Register No. 1202	December 12, 2014	Check Nos. 202527-202528	Total: \$	93,975.29
			<u>Total:</u>	<u>\$2,388,279.99</u>

Consent Agenda Item Nos. 1 through 4, 9 through 12, and 14 through 18 were approved as written. Commissioner Anderson recommended the following Regular Agenda items be moved to Consent:

1. **DECLARE AS SURPLUS A GLOCK MODEL19, SERIAL NO. WCN933, WITH AN ESTIMATED VALUE OF \$330.00 TO BE PRESENTED TO LT. DAVE BENNETT FOR SERVING THE UTAH COUNTY SHERIFF'S OFFICE AND CITIZENS OF UTAH COUNTY**
2. **ADOPT A RESOLUTION AWARDING COUNTY PERSONAL PROPERTY AS A GIFT IN RECOGNITION OF MERITORIOUS SERVICE TO UTAH COUNTY FOR LT. DAVE BENNETT**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH FAIRWAYS MEDIA INC. FOR PUBLIC INFORMATION MANAGER SERVICES**
5. **ADOPT A RESOLUTION ADOPTING THE 2015 MILEAGE REIMBURSEMENT RATE FOR UTAH COUNTY EMPLOYEES FOR COUNTY BUSINESS TRAVEL**
6. **ADOPT AN ORDINANCE AMENDING THE UTAH COUNTY GOVERNMENT FEE SCHEDULE ADOPTED IN BOOK FORM BY SECTION 2-1-6 OF THE UTAH COUNTY CODE, BY AMENDING UTAH CLERK/AUDITOR FEE SCHEDULE**

Utah County Clerk/Auditor Bryan E. Thompson noted the ten-dollar increase for marriage licenses. He also commented on the rising need for title searches during the annual Tax Sale process in order to find all interested parties of a property; with this new ordinance, the cost of that title search will be passed on to the redeeming or purchasing party as needed.

7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A CREDIT ACCOUNT APPLICATION WITH BRADY INDUSTRIES**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH WORKFORCE QA FOR DRUG AND ALCOHOL SCREENING SERVICES**
11. **ADOPT AN ORDINANCE AMENDING THE UTAH COUNTY VEHICLE EMISSIONS INSPECTION/MAINTENANCE PROGRAM** *(Continued from the December 9, 2014 Commission meeting)*
12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH OPUS INSPECTION FOR THE VEHICLE EMISSIONS TESTING PROGRAM**
13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH FOR IMMUNIZATIONS**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 16, 2014

Page 6

14. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH FOR THE PHHS BLOCK GRANT**
16. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT AND SPRINGVILLE CITY RELATING TO THE PROVISION OF NAMI SUICIDE PREVENTION SERVICES**
17. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH ALPINE SCHOOL DISTRICT RELATING TO THE PROVISION OF SUBSTANCE ABUSE PREVENTION SERVICES**
18. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH NEBO SCHOOL DISTRICT RELATING TO THE ASPIRE 4H AFTERSCHOOL PROGRAMS**
19. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PROVO SCHOOL DISTRICT RELATING TO THE IMPLEMENTATION OF THE COMMUNITIES THAT CARE PREVENTION MODEL**
20. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 2 TO CONTRACT NO. 2011-414 WITH LIFE ENHANCEMENT CENTERS RELATING TO THE PROVISION OF RECOVERY SUPPORT SERVICES**
21. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 2 TO CONTRACT NO. 2011-416 WITH PROJECT REALITY RELATING TO THE PROVISION OF RECOVERY SUPPORT SERVICES**
22. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 2 TO CONTRACT NO. 2011-417 WITH STEPS RECOVERY CENTER RELATING TO THE PROVISION OF RECOVERY SUPPORT SERVICES**
23. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 2 TO CONTRACT NO. 2011-508 WITH ADDICTION AND PSYCHOLOGICAL SERVICES, INC RELATING TO THE PROVISION OF RECOVERY SUPPORT SERVICES**
24. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 2 TO CONTRACT NO. 2011-555 WITH NO EXCUSE OF ABUSE, LLC. RELATING TO THE PROVISION OF RECOVERY SUPPORT SERVICES**
25. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 2 TO CONTRACT NO. 2011-708 WITH DISCOVERY HOUSE UC, INC. RELATING TO THE PROVISION OF RECOVERY SUPPORT SERVICES**
28. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 1 TO AGREEMENT NO. 2014-732 WITH PROTECH COATINGS, INC FOR THE JAIL KITCHEN FLOOR PROJECT**
29. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN UTAH COUNTY, DELAND AND ASSOCIATES AND SEAN T. STEWART**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 16, 2014

Page 7

**30. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SERVICE AGREEMENT AND ADDENDUM WITH EVERBRIDGE FOR COUNTY WIDE MASS NOTIFICATION SYSTEM**

The commissioners requested Regular Agenda Item No. 30 be continued to the December 30, 2014 meeting of the Board.  
CONTINUED TO DECEMBER 30, 2014

**31. ACCEPT AND APPROVE AN EASEMENT AGREEMENT BETWEEN THE STATE OF UTAH, BY AND THROUGH THE SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION, AND UTAH COUNTY FOR THE CHIMNEY ROCK PASS ROAD AND THE LAKE MOUNTAIN COMMUNICATIONS ROAD**

**36. ADOPT RESOLUTION OF APPOINTMENT OF WALTER R. MILLER TO THE UTAH COUNTY PLANNING COMMISSION**

**37. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SPRING SALON AGREEMENT WITH SPRINGVILLE MUSEUM OF ART ASSOCIATION**

**38. ADOPT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, APPROVING INTERLOCAL COOPERATION AGREEMENT NO. 2 BETWEEN THE LEHI CITY REDEVELOPMENT AGENCY AND UTAH COUNTY (Continued from the December 9, 2014 Commission meeting)**

The commissioners requested Regular Agenda Item No. 38 be continued to the December 23, 2014 meeting of the Board.  
CONTINUED TO DECEMBER 23, 2014

**39. APPROVE AND AUTHORIZE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE ECONOMIC DEVELOPMENT CORPORATION OF UTAH**

**40. ADOPT A RESOLUTION APPROVING THE 2015 BUDGETS FOR THE GENERAL FUND AND OTHER BUDGETARY FUNDS OF UTAH COUNTY, UTAH (Continued from the December 9, 2014 Commission meeting)**

The commissioners requested Regular Agenda Item No. 40 be continued to the December 23, 2014 meeting of the Board.  
CONTINUED TO DECEMBER 23, 2014

**41. AMEND THE COUNTY STAFFING PLAN BY ADDING AND DELETING POSITIONS IN VARIOUS DEPARTMENTS AS DETAILED ON THE ATTACHED LIST**

The commissioners requested Regular Agenda Item No. 41 be continued to the December 23, 2014 meeting of the Board.  
CONTINUED TO DECEMBER 23, 2014

**42. ADOPT AN ORDINANCE PROVIDING EQUIVALENT SALARY INCREASES AND/OR COST OF LIVING ADJUSTMENTS FOR ELECTED OFFICIALS AS ARE GIVEN TO CAREER SERVICE EMPLOYEES**

The commissioners requested Regular Agenda Item No. 42 be continued to the December 23, 2014 meeting of the Board.  
CONTINUED TO DECEMBER 23, 2014

**43. ADOPT A RESOLUTION AMENDING THE COMPENSATION STRUCTURE FOR ELECTED OFFICIALS AND SETTING 2015 SALARIES**

The commissioners requested Regular Agenda Item No. 43 be continued to the December 23, 2014 meeting of the Board.  
CONTINUED TO DECEMBER 23, 2014

UTAH COUNTY BOARD OF COMMISSIONERS  
MINUTES - December 16, 2014  
Page 8

**44. APPROVE THE NOTICE OF CANCELLATION OF MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH FOR TUESDAY, DECEMBER 23, 2014**

The Board suggested this item be stricken from the agenda.  
STRICKEN

**ACTIONS TAKEN**

**Consent Agenda Item No. 1** was **ratified**; Nos. **2 and 3** were **approved and authorized**; No. **4** was **declared** as surplus; Nos. **5, 6, 7, 8, and 13** were **tabled** for further discussion; Nos. **9, 10, 11, 12, 14 and 16** were **approved**; No. **15** was **adopted**; and Nos. **17 and 18** were **ratified**. **Regular Agenda Item No. 1** was **declared** as surplus; Nos. **2, 5, 6, 11, 16 and 36** were **adopted**; Nos. **4, 7, 8, 12, 13, 14, 17 through 25, 28, 29, 37, and 39** were **approved and authorized**; No. **30** was **continued** to the December 30, 2014 meeting of the Board; No. **31** was **accepted and approved**; Nos. **38, and 40 through 43**, were **continued** to the December 23, 2014 meeting of the Board; and No. **44** was **stricken** from the agenda.

**AGREEMENT NOS.:** 2014-808, 2014-809, 2014-810, 2014-811, 2014-812, 2014-813, 2014-814, 2014-815, 2014-816, 2014-817, 2014-818, 2014-819, 2014-820, 2014-821, 2014-822, 2014-823, 2014-824, 2014-825, 2014-826, 2014-827, 2014-828, 2014-829, 2014-830, 2014-831, 2014-832, 2014-833, 2014-834 and 2014-835

**RESOLUTION NOS.:** 2014-129, 2014-130, 2014-131, 2014-132 and 2014-133

**ORDINANCE NOS.:** 2014-14 and 2014-15

**REGULAR AGENDA**

**(PULLED FROM CONSENT)**

**5. DECLARE A CASE 580 BACKHOE, UNIT 701697, AS SURPLUS AND AUTHORIZE THE BUY-BACK TO BE APPLIED TO THE PURCHASE AND FUTURE BUY-BACK PROGRAM OF A REPLACEMENT MINI-EXCAVATOR**

Utah County Public Works Director Richard Nielson explained there is a guaranteed “buy-back” program through Century Equipment; the backhoe must be declared as surplus so that there can be credit towards a new mini-excavator. Commissioner Ellertson noted that the current memorandum states the surplus item is no longer usable; that is not the case. Utah County Purchasing Agent Julie Rollins indicated she could modify the wording to be more appropriate.

**Commissioner Ellertson made the motion to declare the Case580 Backhoe as surplus with the changes as noted Consent Agenda Item No. 5. The motion was seconded by Commissioner Witney and carried with the following vote:**

**AYE:** Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
**NAY:** None

AGREEMENT NO. 2014-836

**(PULLED FROM CONSENT)**

**6. DECLARE ATTACHED LIST OF EQUIPMENT AS SURPLUS AND AUTHORIZE PLACEMENT OF SUCH EQUIPMENT TO VARIOUS POLICE AGENCIES AS IDENTIFIED**



UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 16, 2014

Page 9

Utah County Sheriff James O. Tracy explained how new equipment will be purchased with pass-through monies from the United States Department of Homeland Security. Commissioner Anderson asked Utah County Purchasing Agent Julie Rollins to work with the Sheriff's Office and Attorney's Office to determine the correct phrasing for such an item, as the new equipment is not technically "surplus."

**Commissioner Witney made the motion to approve equipment and authorize placement of said equipment to various police agencies as identified in Consent Agenda Item No. 6, with changes as discussed. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney**

**NAY: None**

AGREEMENT NO. 2014-837

**(PULLED FROM CONSENT)**

**7. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE (ESRI) FOR 2015 MAINTENANCE AND SUPPORT OF GIS SOFTWARE PRODUCTS**

Utah County Information Systems Director Neil Peterson came forward to answer Commissioner Ellertson's questions regarding the use of software, confirming that all items are needed.

**Commissioner Ellertson made the motion to approve and authorize an agreement with Environmental Systems Research Institute (ESRI) for 2015 maintenance and support of GIS software products as outlined in Consent Agenda Item No. 7. The motion was seconded by Commissioner Witney and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney**

**NAY: None**

AGREEMENT NO. 2014-838

**(PULLED FROM CONSENT)**

**8. APPROVE ACTING PAY REQUESTS FOR THE DIRECTOR-OFFICE OF PERSONNEL MANAGEMENT POSITION AS WELL AS THE ASSISTANT DIRECTOR-OFFICE OF PERSONNEL MANAGEMENT POSITION, TO BEGIN IMMEDIATELY AND CONTINUE FOR APPROXIMATELY SIX WEEKS**

Utah County Assistant Personnel Director Mark Brady explained that Director Lana Jensen will be out of the office for six weeks; this acting pay request is for him to fill in for Ms. Jensen, and have Merritt Fullmer in turn fill in for Mr. Brady. Utah County Clerk/Auditor Bryan E. Thompson cautioned against setting a precedent, noting that six weeks is not an unusually long amount of time for the Chief Deputy in a department to act as the head as part of their regular duties. Commissioner Ellertson explained that Ms. Jensen requested the increased pay for her employees due to some extenuating circumstances in which additional attention to detail will be required of them during her absence. Mr. Thompson questioned whether the difference in pay would truly affect the diligence of the employees.

**Commissioner Ellertson made the motion to approve acting pay requests for the Director and Assistant Director positions within the Personnel Office as defined in Consent Agenda Item No. 8. The motion was seconded by Commissioner Witney and carried with the following vote:**

AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None

APPROVED

**(PULLED FROM CONSENT)**

**13. ADOPT A RESOLUTION SETTING THE UTAH COUNTY JUSTICE COURT JUDGES' 2015 SALARIES**

Commissioner Anderson asked about the increase for the judges' salaries, and Merritt Fullmer of the Utah County Personnel Office confirmed that it is 2.35 percent; the equivalent of a step increase for county employees. Commissioner Ellertson mentioned the amount is in accordance with state statute.

**Commissioner Witney made the motion to adopt the resolution setting the Utah County Justice Court Judges' 2015 salaries as specified in Consent Agenda Item No. 13. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None

RESOLUTION NO. 2014-134

**REGULAR AGENDA**

**3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO EXECUTE AN AGREEMENT WITH THE ELIZABETH SMART FOUNDATION**

Utah County Clerk/Auditor Bryan E. Thompson asked about the funding source for this agreement, and Commissioner Ellertson clarified that it would be provided through TRCC monies. Mr. Thompson expressed concern over the \$20,000 expense for one function, stating it does not seem appropriate. Commissioner Anderson thanked Mr. Thompson for his comments while noting the choice was a policy decision; it was reviewed extensively by the Board and it was decided to be beneficial. Mr. Thompson thanked the commissioners for the opportunity to voice his opinions, and Commissioner Anderson assured him that recommendations and comments are always welcome.

**Commissioner Ellertson made the motion to approve acting pay requests for the Director and Assistant Director positions within the Personnel Office as defined in Consent Agenda Item No. 8. The motion was seconded by Commissioner Witney and carried with the following vote:**

AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None

APPROVED

**9. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY GENERAL PLAN LAND USE MAP FROM AGRICULTURAL/WATERSHED TO RESIDENTIAL, AND TO AMEND THE UTAH COUNTY ZONE MAP FROM THE CRITICAL ENVIRONMENT (CE-1) ZONE TO THE CRITICAL ENVIRONMENT (CE-2) AND TRANSITIONAL RESIDENTIAL (TR-5) ZONES IN SECTION 8, T4S R2E, ALPINE AREA OF UTAH COUNTY**

## UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 16, 2014

Page 11

Bryce Armstrong of the Community Development Office explained this ordinance is to amend both the General Plan Land Use Map and the Utah County Zone Map in relation to property in the Alpine area. There are currently two lots consisting of approximately 100 acres in a subdivision plat within a CE-1 (Critical Environment) Zone, which requires 50 acres per dwelling; there is only one dwelling on one of the lots. The applicant is proposing 33 acres of the property be designated TR-5 (Transitional Residential) Zone, and the remaining 67 acres classified as CE-2. The minimum lot size within the TR-5 Zone is one lot per five acres, with a provision allowing for 20,000-square-foot lots if the property is serviced by a central water system. Mr. Armstrong confirmed for Commissioner Anderson that the applicant has shown a schematic plan indicating they would build one-acre lots. When Commissioner Anderson asked whether approval could be contingent upon lot size, Mr. Armstrong noted that the Utah County Planning Commission suggested doing exactly that. Commissioner Anderson mentioned rumors regarding quarter-acre-sized lots and condominiums in the area, and Mr. Armstrong reiterated that the Planning Commission suggestion was to approve a minimum of one-acre lots.

Bryce Armstrong noted the minimum lot size within the CE-2 Zone is twenty acres, with the same provision as the TR-5 Zone allowing for 20,000-square-foot lots if the property is serviced by a central water system. This could allow a condominium situation such as that found in the Sundance area of Provo Canyon, but the Utah County Planning Commission has recommended approval with the same contingency of a minimum one-acre lots.

Bryce Armstrong went on to explain why staff has recommended disapproval due to several factors. The Utah County General Plan suggests this type of higher density development should occur and remain in cities. Commissioner Anderson mentioned the city has not stepped up to take the project. Mr. Armstrong also noted that portions of the property intersect with natural hazard overlays, which would not preclude development but would require additional studies. Mr. Armstrong clarified for Commissioner Ellertson how those studies could require building adjustments, analysis, geotechnical reports and subsequent ramifications - these would be handled administratively. Mr. Armstrong mentioned the possibility of whether or not development is appropriate being determined through the annexation process, which in the past has been a challenge for this property. Ultimately, staff has recommended disapproval while the Utah County Planning Commission has recommended approval with certain caveats. The Planning Commission vote in favor of approval was four to two, with one absent board member.

Commissioner Ellertson asked about traffic in the area, and Bryce Armstrong explained that the Utah County Engineer conducted a study which resulted in a "low B" count; development would drop the grade to a "C," which is still an acceptable level of service for additional traffic. Commissioner Witney summarized that the change from CE-1 to CE-2 and TR-5 zones would only be changing the minimum lot size requirements for dwelling structures. Mr. Armstrong mentioned letters from concerned citizens, and Commissioner Witney noted for the record that public comments have been received from both sides of the issue: in favor of and against additional development. Commissioner Ellertson asked whether amendments such as the proposed ordinance have occurred for other properties in the area, and Mr. Armstrong responded that the purpose of TR-5 Zones is to facilitate annexations. This area is not currently included as part of Alpine City's annexation policy declaration though it was at one point. The Alpine Cove development was in a similar situation when the TR-5 Zone was created by the county with cooperation from cities to specifically declare areas anticipated for annexation.

The topic of Alpine Cove led to discussion of water and sewer for the proposed development. Commissioner Witney asked whether there has been contact with Alpine City to determine any plans for annexation, and Bryce Armstrong mentioned a letter received as recently as this week indicating potential contemplation by the city. Commissioner Ellertson paraphrased the letter, stating city staff and the city planning commission have been instructed to begin the process that would allow for eventual annexation of the property. Commissioner Witney stated that is good news, as Alpine should be in control of their own destiny.

Alpine City Mayor Don Watkins requested to approach the bench. Commissioner Anderson reminded him and the audience that this is not a public hearing, as that was held by the Utah County Planning Commission in November 2014.

## UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 16, 2014

Page 12

He invited Mayor Watkins forward, who in turn thanked the Board for the opportunity to speak. Mayor Watkins noted there has been some misinformation; the city is excited for a chance to work with the developer, but the developer has only approached the county regarding annexation. Alpine City is speedily working to include the area as part of their policy declaration. Meanwhile, another developer has approached the city about annexation for an even larger portion of land elsewhere - approximately 220 acres - and that second developer presented directly to the city. Within fifteen minutes of that presentation, the city expressed their desire to work with that developer. Mayor Watkins reiterated that Ross Welch of Patterson Construction has yet to formally approach him regarding annexation of the area in question.

Mayor Don Watkins clarified that he is not sure why there has not previously been a declaration of intent to annex. He expressed that Alpine City does want to work with the developer. The City Attorney was instructed to send the letter to the Utah County Commissioners requesting sixty days to begin working on an agreement with the applicant, Patterson Construction, as well as the other potential projects on deck. Mayor Watkins noted that the City Planning Commission has already been instructed to begin work in an effort to show their sincerity.

Commissioner Ellertson asked whether the mayor is currently aware of the proposed Pine Grove development, and Mayor Don Watkins stated yes. Commissioner Ellertson asked how those plans line up with the city, and Mayor Watkins responded that while it is premature to address annexation there is general agreement about being part of the community. Mayor Watkins added that geological and road access issues need to be figured out, and requested additional time for the city to seriously consider their options before the county interferes. Commissioner Anderson noted that the county moving forward would not hinder the process for the city; in fact, it may be a motivator.

Lorin Powell is the Lehi City Engineer. He came forward to mention springs within a protection zone; that CE-2 zone covers 100 acres of the area in question.

Ron Madson approached the bench as counsel for the Alpine Cove Homeowners Association. He referenced a letter sent to the commissioners, stating the problem with making a determination now rather than allowing sixty days for review does not give the opportunity for all involved parties to come to a consensus. Between four separate interested entities, none of them will have control if an annexation plan is created. Mr. Madson explained there would be a gross imbalance in reaching a consensus if a 'cart blanche' is granted to the applicant. He noted that Alpine Cove has learned from past experience and is now interested in annexing into the city. Mr. Madson also mentioned there would be no incentive for the developer to cooperate with the citizenry if a decision is made today. Should the development occur within the city, that would give Alpine City the ability to inspect and enforce their own rules.

Commissioner Ellertson asked why sixty days was determined as the appropriate time frame, and Ron Madson explained the need for time to come up with a plan and present it to the groups. Commissioner Witney pointed out comments from others that suggest Alpine City is requesting two months as part of a stalling effort in order to present to the new Board of Commissioners in January 2015. Commissioner Witney recalled several meetings in which this issue was raised and asked why this was not addressed earlier. Mr. Madson candidly replied that they wrongfully assumed the area was safe from or off-limits to development because of the Critical Environment zoning. Since that is no longer the case, Alpine Cove would like to be involved. Commissioner Anderson noted that Utah County has been trying to get Alpine Cove to work with the city for years and asked "why now?"; Mr. Madson responded, "we saw what happened in Box Elder South, quite frankly," referring to a recently approved subdivision project.

Commissioner Anderson pointed out that if a sixty-day delay is granted, there would be no guarantee to the new Board of Commissioners that the same redundant conversations would continue without any actual action. Ron Madson countered that the opposite could be argued from the developer's point of view as far as rushing in to complete the project before the board members rotate.

# UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 16, 2014

Page 13

Ross Welch came forward to represent Patterson Construction. Mr. Welch agreed with Alpine City Mayor Don Watkins that a separate application was recently made to the city, but clarified that this separate project was part of the city's General Plan. The area in question and before the Board today has specifically been excluded from that same plan. Mr. Welch provided a brief history regarding previous attempts to annex dating back to the early 1990's, expressing that Alpine erroneously believed the property would always remain zoned as Critical Environment; they are only interested in progress now because the Utah County Planning Commission has recommended approval of the zone change. Mr. Welch paraphrased Alpine City's statement of "potentially amending" their annexation plans, countering that approval by the Board of Commissioners today would encourage the city to seriously consider the property. He also clarified that the developer has never intended to place more than one lot within the CE-2 Zone, and would have a minimum of one-acre lots within the TR-5 Zones.

Commissioner Ellertson summarized that Alpine City has suggested they are willing to work with the developer, and asked Ross Welch whether they would be amenable to that plan. Mr. Welch responded that they would love to be in the city, and talked about the CE-5 Zone requirements for the city which allow for one dwelling per five-acre lot. He mentioned that this is the same zoning for properties near Sliding Rock.

Commissioner Anderson expressed a desire to move forward with approval of the specified one-acre minimum lots, which in turn would provide impetus for Alpine City to move forward with discussions. Mayor Don Watkins noted that the city did not take previous action in the Box Elder South Subdivision situation because there was a lack of agreement in the exchange between Alpine City and the developer.

Commissioner Witney voiced appreciation for the dedication and energy displayed by Mayor Don Watkins, stating his respect for property rights and property owners. Commissioner Witney reminded the mayor of a previous situation in which Alpine residents were very emphatic about a decision before the Board of Commissioners; the city and people were encouraged at that time by the Board to take control of the area, yet still nothing happened. Commissioner Witney reiterated that it was not until the Planning Commission vote had been cast that the city indicated a desire to work with the developer, and questioned whether any action would ensue without interference from the county. He suggested the Board adopt the proposed ordinance amending the Utah County General Plan Land Use Map and the Utah County Zone Map, contingent upon the minimum one-acre lots within the TR-5 Zone; maximum of one single-family dwelling within the CE-2 Zone; and preservation of the watershed area. Commissioner Witney expressed hope that this vote would motivate Alpine City to work towards annexation.

**Commissioner Witney made the motion to adopt an ordinance to amend the Utah County General Plan Land Use Map from Agricultural/Watershed to Residential, and to amend the Utah County Zone Map from the Critical Environment (CE-1) Zone to the Critical Environment (CE-2) and Transitional Residential (TR-5) Zones in Section 8 of the Alpine area of Utah County as discussed in Regular Agenda Item No. 9, with the specifications noted. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None**

ORDINANCE NO. 2014-16

Utah County Deputy Attorney David Shawcroft clarified for the record that a development agreement would subsequently follow approval of this ordinance in order to specify the outlined restrictions; that contract will be placed on an agenda for approval by the Board no later than December 30, 2014.

# UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 16, 2014

Page 14

**10. ADOPT (OR DENY) AN ORDINANCE TO AMEND THE UTAH COUNTY LAND USE ORDINANCE RELATED TO VETERINARIAN FACILITIES, INCLUDING THE ADDITION OF TREATING SMALL ANIMALS, TO THE FOLLOWING SECTIONS: SECTION 3-15, OFF-STREET PARKING; SECTION 3-49, ADDING SUPPLEMENTARY REQUIREMENTS; SECTION 5-2-B-13, DELETE USE AS PERMITTED; SECTION 5-2-C-14, ADDING VETERINARIAN FACILITIES AS A PERMITTED CONDITIONAL USE IN RA-5 ZONE; AND SECTIONS 5-2-D-1 AND 5-2-E-1, ADDING LOT AREA AND LOT WIDTH REQUIREMENTS**

Peggy Kelsey of the Community Development Office reminded the Board this issue had been presented to them at a previous meeting, and they had suggested the Utah County Planning Commission review it again to make appropriate adjustments. The Planning Commission conducted a public hearing and recommended approval of the ordinance with certain amendments by a four-to-three vote. Staff had recommended approval based on the ordinance as presented to the Planning Commission. Ms. Kelsey summarized the amendments made by the Planning Commission, including parking and supplemental requirements. She also noted the 'conditional use' status which would require an application to the Board of Adjustment to overturn, rather than being handled administratively when submitted as a 'permitted use.' Ms. Kelsey and Utah County Deputy Attorney David Shawcroft clarified appeals to the court system as defined by statute and county policy, and Commissioner Ellertson suggested the Board should eventually revisit those rules. Bryce Armstrong of the Community Development Office added comments regarding the Board of Adjustment review process.

Dr. Yeony D. Calás-Dobson of Riverwoods Pet Hospital and Pet Urgent Care commended Peggy Kelsey and the entire Community Development Office for their phenomenal work in her case. Dr. Calás-Dobson pointed out that her efforts for the simple addition of treating cats and dogs at her business is now in the fifth month of debate. She acknowledged that ninety percent of the proposed ordinance is acceptable, but expressed concern over the number of regulations imposed by many different entities. Dr. Calás-Dobson noted that the excessive language places arbitrary and capricious provisions on running her clinic, and indicated that it is a result of prejudice against her by one specific Planning Commission member, Eldon A. Neves. She asked that a decision be delayed until her council could meet with the Utah County attorneys to address the section of the ordinance proposed by Mr. Neves.

Commissioner Witney asked Dr. Yeony D. Calás-Dobson whether it would be more prudent to approve the proposed ordinance in her favor and address any amendments as needed after the fact. Dr. Calás-Dobson reiterated that she is comfortable with the suggestions made by county staff as they have her highest confidence; she only has qualms with the additional provisions required by the Planning Commission after being swayed by one member. Commissioner Ellertson asked for clarification on those additional provisions, and Peggy Kelsey explained that Eldon A. Neves presented three conditions in addition to the five requirements initially proposed by staff. Staff thought it best to word those contingencies in a manner conducive to the rest of the ordinance rather than submit Mr. Neves' direct suggestions to the Planning Commission. Ms. Kelsey clarified that staff was not necessarily in agreement with Mr. Neves' recommendations, but only attempting to write the rules in an enforceable manner should the Planning Commission choose that route. Bryce Armstrong confirmed Ms. Kelsey's comments.

Utah County Planning Commission member Eldon A. Neves noted for the record that Dr. Yeony D. Calás-Dobson does not own the property in question, and Commissioner Anderson stated that does not really make a difference. Mr. Neves explained that at one point in history, a Board of Utah County Commissioners decided that one way to preserve agriculture in this area was to prohibit small animal clinics. Mr. Neves compared a small animal clinic to a shirt outlet on county land: it is not necessary to build a shirt outlet store on county land simply because people wear shirts, because they have the option of instead going into the city to buy a shirt. He stated it would be wrong to allow a commercial storefront and activity in a rural area located three miles away from any other such business, and asked the commissioners to preserve the nature of the land.

Bill Fairbanks, the owner of the property in question, came forward to express support for Dr. Yeony D. Calás-Dobson. Mr. Fairbanks clarified Dr. Calás-Dobson does have an option to purchase the property as part of his lease to her, which gives her the right to use it as she sees fit; she is currently taking the steps to do exactly that. Mr. Fairbanks mentioned

## UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 16, 2014

Page 15

that he had initially been approached by a stockyard and slaughterhouse business for the property, which is currently an allowed use for the zone. Mr. Fairbanks could not put his neighbors through that, and thinks people would much rather live near some horses and a veterinarian clinic than a slaughterhouse. Mr. Fairbanks also pointed out that Eldon A. Neves has taken this issue from an ordinance before the Planning Commission to a personal “not in my backyard” problem; his opinion is that Mr. Neves should have excused himself as a board member in this matter because of conflict of interest.

Commissioner Anderson asked about commercial businesses in the area, and Bryce Armstrong explained the current ordinances allow for a large animal veterinary clinic. Because the Utah County General Plan discourages development in this area, staff wanted to emphasize the agricultural nature of the land while being comfortable with the treatment of small animals.

Commissioner Anderson noted the close four-to-three vote in favor of approval. Utah County Planning Commission member Mike Stansfield responded from the audience that the “nay” votes were most likely due to how complicated the issue had become by the time discussion ended. Bryce Armstrong added that the ‘nays’ were also related to the members preferring the matter be handled administratively instead of a conditional use. Commissioner Witney agreed the issue was becoming overly complicated; there is no reason to deny small animals being treated at a veterinary clinic. He hesitated to send the proposed ordinance back to the Planning Commission, and Mr. Armstrong explained the differences between Option A as initially recommended by county staff and Option B once reviewed and approved by the Planning Commission.

Commissioner Anderson asked about the medical differences between small and large animals for treatment, and Dr. Yeony D. Calás-Dobson addressed space and equipment needed. Dr. Calás-Dobson emphasized that the Utah Division of Occupational and Professional Licensing (DOPL) has clear certification requirements regarding the treatment of animals. Commissioner Anderson talked about maintaining a rural atmosphere, and Dr. Calás-Dobson clarified that she plans to treat both large and small animals at her clinic. She also noted that households with large farm animals tend to also have cats and dogs. Bryce Armstrong noted that the business will be required to show that they have the space and equipment necessary to treat both large and small animals.

Commissioner Witney asked Utah County Deputy Attorney David Shawcroft for options in preventing any further delay for Dr. Yeony D. Calás-Dobson to begin operations. Mr. Shawcroft suggested approving the ordinance as recommended by the Utah County Planning Commission, and then allowing modifications if the stipulations prove onerous to the applicant. Eldon A. Neves suggested making it a requirement for the applicant that forty percent of business be obtained through treatment of large animals. Commissioner Witney asked Mr. Neves what he would say if the government came to him and stated he is only allowed to use forty percent of his land for growing crops; Mr. Neves did not respond.

Eldon A. Neves noted that while this ordinance is being addressed as solely for Dr. Yeony D. Calás-Dobson, it applies to the entire county and he has been responding appropriately for a land use issue. David Shawcroft confirmed that there had been discussion regarding proof of large animal treatment at the clinic, and one suggestion was to require annual gross receipts of a certain percentage be shown as a condition of obtaining an annual business license.

Utah County Public Works Director Richard Nielson asked the Board to consider the burden on the Community Development Office staff in reviewing annual receipts for the entire county. He and Commissioner Ellertson also discussed a traffic study with Peggy Kelsey and Bryce Armstrong.

Bryce Armstrong addressed the difference between “including livestock” and “primarily livestock” for the sake of enforcement. Commissioner Anderson stated he would vote against the ordinance if there is no requirement of receipts. Dr. Yeony D. Calás-Dobson stated it would be unrealistic to demand forty percent of the business be comprised of large animals, as there are competing veterinarians in the area and she cannot make people bring their horses and dogs to her clinic. Dr. Calás-Dobson reminded the Board she is already required to submit a business plan showing she can

## UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 16, 2014

Page 16

accommodate large animals with space, equipment, and trained personnel. Commissioner Anderson replied that he does not have a problem with the veterinary clinic, only the location of the business; commercial and retail development is not encouraged in the rural county areas. When Dr. Calás-Dobson spoke of the burden placed upon her to meet such conditions while also running a profitable business, Commissioner Anderson repeated that perhaps she should consider building instead within the city instead of the county.

**Commissioner Witney made the motion to adopt an ordinance to amend the Utah County Land Use Ordinance related to veterinarian facilities, including the addition of treating small animals, as discussed in Regular Agenda Item No. 10, in the format as initially recommended by Community Development staff: omitting points 6, 7, and 8 from Section 3-49-C 'Buildings and Facilities for a Licensed Veterinarian - Standards' as discussed. The motion was seconded by Commissioner Ellertson and discussion continued.**

Bryce Armstrong clarified the intent of Commissioner Witney's motion to include small animals as a conditional use, and the revised lot sizes and supplemental requirements with the exception of points 6, 7, and 8 under Paragraph C. Commissioner Ellertson pointed out that the sixth point related to traffic analysis for all businesses - not just the veterinarian facilities - is already addressed elsewhere in the application process. He asked whether the same is true for the eighth point in relation to waste disposal plans, and Mr. Armstrong confirmed that both statements are correct. Peggy Kelsey added that the Utah County Health Department would also be involved in that process. Since it becomes redundant to include both points in the new ordinance, Commissioner Ellertson suggested an amended motion wherein points 6 and 8 are omitted from Section 3-49-C, but the seventh point: *"...shall not include a license for the retail sale or resale of any product not directly associated with animal care"* remains.

**Commissioner Ellertson made the motion to adopt an ordinance to amend the Utah County Land Use Ordinance related to veterinarian facilities, including the addition of treating small animals, as discussed in Regular Agenda Item No. 10, in the format as initially recommended by Community Development staff: omitting points 6 and 8 from Section 3-49-C 'Buildings and Facilities for a Licensed Veterinarian - Standards;' and retaining point 7 regarding the sale of animal care products as discussed. The motion died for lack of a second.**

Commissioner Anderson repeated he would only support adoption of the ordinance if the forty percent large animal receipt requirement is added as a stipulation. When Commissioner Ellertson asked whether there could be any compromise to placing such a burden on the business owner, Commissioner Anderson and David Shawcroft both indicated that is a risk the business owner chooses to take when expanding into rural areas. The Board discussed details and quantifying amounts with Mr. Shawcroft and Dr. Yeony D. Calás-Dobson, while Commissioner Witney reiterated that the treatment of small animals would be a service to the area.

Commissioner Anderson suspended Robert's Rules of Order for the purpose of amending the previous motions.

**Commissioner Anderson made the motion to adopt an ordinance to amend the Utah County Land Use Ordinance related to veterinarian facilities, including the addition of treating small animals, as discussed in Regular Agenda Item No. 10, in the format as initially recommended by Community Development staff: omitting points 6 and 8 from Section 3-49-C 'Buildings and Facilities for a Licensed Veterinarian - Standards;' retaining point 7 regarding the sale of animal care products; and adding the stipulation that forty percent of receipts on a two-year average show large animals as discussed. The motion was seconded by Commissioner Ellertson and discussion continued.**



# UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 16, 2014

Page 17

Commissioner Ellertson suggested that rather than require forty percent of receipts to show treatment of large animals during a two-year average, the forty percent be met for at least one year out of every two years. Commissioner Anderson corrected that his motion is specifically for a forty percent average over a two-year period. Dr. Yeony D. Calás-Dobson talked about the usual five-year plan within business models, and asked whether the requirement is based on a calendar or fiscal year. Commissioner Ellertson clarified that Year One would be counted as the first full business license fiscal year - July through June - after operation begins, not including building. Therefore if the clinic begins operating in December 2015, Year One would be July 2016 through June 2017. In response to Dr. Calás-Dobson's comment that a two-year cycle is rather harsh, Commissioner Anderson noted that part of a business plan is location.

**The motion made by Commissioner Anderson carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney**

**NAY: None**

ORDINANCE NO. 2014-17

## **15. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF HEALTH FOR THE STEPPING ON PROGRAM**

Utah County Health Department Executive Director Dr. Joseph K. Miner talked about 'Stepping On,' a program which has been shown to significantly decrease falls by seniors in the community. Carrie Bennet of the Utah County Health Department is considered a state expert in the program; she explained that this agreement would help focus classes in northern Utah County. Ninety-two individuals aged 55 and older participate in a seven-week workshop to increase physical abilities and strength while minimizing risk. They meet for two hours once a week to work on balance, meet with a physical therapist, and ask pharmacists questions. This is provided for the community free of charge, and Utah County is considered a lead example for the rest of the state.

**Commissioner Witney made the motion to approve and authorize the agreement with the Utah Department of Health for the Stepping On program as outlined in Regular Agenda Item No. 15. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney**

**NAY: None**

AGREEMENT NO. 2014-840

## **26. ADOPT A RESOLUTION AUTHORIZING THE COMMISSION CHAIR TO SIGN AN INTERLOCAL AGREEMENT WITH AMERICAN FORK CITY FOR THE 900 WEST PHASE II HIGHWAY PROJECT**

Utah County Public Works Director Richard Nielson explained the location of the road heading north from State Street, near the American Fork Costco store. Commissioner Ellertson clarified that a discussion was held earlier in the year to approve a list of funded project from the Mountainland Association of Governments (MAG); this was one of the items on that list. Mr. Nielson confirmed that the funding is administered by MAG.

**Commissioner Ellertson made the motion to adopt the resolution authorizing an interlocal agreement with American Fork City for the 900 West Phase II Highway Project as detailed in Regular Agenda Item No. 26. The motion was seconded by Commissioner Witney and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney**

UTAH COUNTY BOARD OF COMMISSIONERS  
MINUTES - December 16, 2014  
Page 18

NAY: None

RESOLUTION NO. 2014-135  
AGREEMENT NO. 2014-841

**27. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE REAL ESTATE PURCHASE AGREEMENT WITH THE CITY OF SARATOGA SPRINGS FOR INLET PARK, AND AUTHORIZE THE UTAH COUNTY CLERK/AUDITOR TO SIGN THE QUIT CLAIM DEED(S) ASSOCIATED WITH THE TRANSFER**

Utah County Public Works Director Richard Nielson introduced Rebecca Call of the Saratoga Springs City Council. Mr. Nielson explained that the city is requesting taking control of maintenance for the parking lot area, and reviewed a map at the bench with Ms. Call and the commissioners. Commissioner Witney briefly excused himself, and Commissioner Anderson suspended Robert's Rules of Order for the purpose of seconding a motion. Commissioner Ellertson noted the agreement is subject to final review to match the presented map.

**Commissioner Ellertson made the motion to approve and authorize a Real Estate Purchase Agreement with the City of Saratoga Springs for Inlet Park, authorizing the Utah County Clerk/Auditor to sign the Quit Claim Deed(s) associated with the transfer as specified in Regular Agenda Item No. 27, subject to final map review as noted. The motion was seconded by Commissioner Anderson and carried with the following vote:**

AYE: Gary J. Anderson  
Larry A. Ellertson  
NAY: None

AGREEMENT NO. 2014-842

**32. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A DISPATCH BUILDING AGREEMENT WITH THE UTAH VALLEY DISPATCH SPECIAL SERVICE DISTRICT**

Utah County Deputy Attorney Robert J. Moore summarized this agreement is for the county portion of the new building. Commissioner Anderson clarified that the land is not being sold to the Utah Valley Dispatch Special Service District. Mr. Moore noted two options for payment, and reminded the Board that the county must notify the district before the end of the year regarding which payment option will chosen.

**Commissioner Witney made the motion to approve and authorize a dispatch building agreement with the Utah Valley Dispatch Special Service District as identified in Regular Agenda Item No. 32. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None

AGREEMENT NO. 2014-843

**33. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A LEASE AGREEMENT WITH THE UTAH VALLEY DISPATCH SPECIAL SERVICE DISTRICT**

Utah County Deputy Attorney Robert J. Moore mentioned the Utah Valley Dispatch Special Service District had initially requested the county donate the lease to them, but the Board rejected that idea. The district has approved this lease contract as well as the building contract addressed in Regular Agenda Item No. 32 as of Thursday, December 11, 2014, agreeing to the \$150,000 initial payment to the county.

UTAH COUNTY BOARD OF COMMISSIONERS  
MINUTES - December 16, 2014  
Page 19

**Commissioner Witney made the motion to approve and authorize a lease agreement with the Utah Valley Dispatch Special Service District as identified in Regular Agenda Item No. 33. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None**

AGREEMENT NO. 2014-844

**34. APPROVE EXECUTION OF ORDER AND STIPULATION FOR ENTRY OF ORDER BETWEEN UTAH COUNTY AND COMCAST CORPORATION**

Utah County Deputy Attorney David Shawcroft explained Comcast Corporation has filed an appeal regarding the classification of some personal property taxes. This stipulation denies the appeal at the county level so that Comcast can move forward in resolving the case at the state level.

**Commissioner Witney made the motion to approve the Execution of Order and Stipulation for Entry of Order between Utah County and Comcast Corporation as detailed in Regular Agenda Item No. 34. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None**

AGREEMENT NO. 2014-845

**35. ADOPT RESOLUTION APPROVING RECOMMENDATIONS OF COUNTY CONSTABLE NOMINATING COMMISSION AND APPOINTING COUNTY CONSTABLES**

Utah County Deputy Attorney David Shawcroft noted that two of the three applicants for Utah County Constable have been recommended for reappointment: Michael W. Erickson and Anthony Fernlund.

**Commissioner Witney made the motion to adopt the resolution approving recommendations of the County Constable Nominating Commission and appointing County Constables as specified in Regular Agenda Item No. 35. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None**

RESOLUTION NO. 2014-136

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

**46. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION  
STRICKEN**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 16, 2014

Page 20

**48. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY**

STRICKEN

**49. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED**

STRICKEN

Commissioner Witney made the motion to strike Regular Agenda Item Nos. 46, 48, and 49 to set dates, times, and locations for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation; for a strategy session to discuss the sale of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None

**45. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS**

Commissioner Witney made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None

SET

**47. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY**

Commissioner Witney made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the purchase, exchange, or lease of real property to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None

SET

**WORK SESSION**

NO WORK SESSION ITEMS WERE SUBMITTED

**PUBLIC COMMENTS**

There were no public comments and the meeting recessed at 11:38 A.M. to go into closed meetings. The public meeting reconvened at 11:58 A.M.

**Commissioner Witney made the motion to adjourn the December 16, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None**

There being no further business nor public comment, the meeting adjourned at 11:58 A.M. The minutes of the December 16, 2014 Commission meeting were approved as transcribed on January 27, 2015.

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LARRY A. ELLERTSON, Commission Vice-Chair

ATTEST:

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BRYAN E. THOMPSON  
Utah County Clerk/Auditor